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October 16, 1991

Michael E. McNichols
Clements, Brown & McNichols
13th and Idaho Streets
Lewiston, Idaho 83501

Grace Koh Angelos
Jenner & Block
One IBM Plaza
Chicago, Illinois 60611

Dear Mike and Grace:

I am writing this letter as a follow-up to Mike Fish's August 29, 1991 letter to DEQ requesting clarification on additional sampling and the September 19, 1991 letter to Mr. Fish from Michael Gregory with DEQ's Hazardous Materials Bureau. I apologize for the delay in responding.

As you know, Mr. Gregory concluded that the free phase product at the Avery Landing site is not a hazardous waste. This conclusion was based upon the October 27, 1989 Hart Crowser report. It has been the Department's position that further sampling in addition to that performed by Hart Crowser was necessary in order to properly characterize the product. However, after further consultation with the hazardous waste technical staff and the water quality staff, it is the Department's position no further testing of the free phase product prior to recovery is necessary. The free phase product appears suitable for burning in an industrial boiler. It is our understanding that the product will be burned in the number 4 boiler at Potlatch's Lewiston plant. Potlatch must make certain that burning the product fits within the terms of its existing air quality permit.

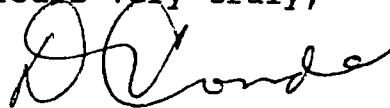
Since no further testing needs be done and there is already agreement on the free product recovery system, there appears to be nothing to prevent us from proceeding with recovery at the site. Of course, we need to set forth the terms of the recovery in a consent order.



McNichols and Angelos - 2

I apologize again for the delay and confusion created as a result of the demand for further sampling. Please let me know whether Potlatch and CMC intends to proceed with recovery as outlined in the DEQ letters dated January 23 and June 5, 1991. If you have any further questions, please give me a call.

Yours very truly,

A handwritten signature in cursive script, appearing to read "D. Conde".

Douglas M. Conde

DMC:lvh

cc: Gwen Burr
Lisa Prochnow
Joe Baldwin
Mike Fish